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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF ARIZONA**

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9 United States,

10 Plaintiff,

11 v.

12 Juan Solis-Leon,

13 Defendant.

No. 08-6190M

ORDER

14 HAVING considered Defendant JUAN SOLIS-LEON's Motion to Extend Time and good
15 cause having been shown;

16 THE COURT makes the following findings:

- 17 1. Counsel for defendant has only recently been appointed;
- 18 2. The defendant earnestly wishes to consider the plea offer extended by the
19 government;
- 20 3. The defendant wishes to investigate possible defenses prior to considering the
21 government's plea offer;
- 22 4. The government's plea offer, if accepted by the defendant and then the court,
23 would likely reduce defendant's exposure to a significant term of imprisonment;
- 24 5. If the defendant does not timely accept the plea offer prior to indictment, the
25 government will withdraw said plea offer and any subsequent plea offer after
26 indictment would likely be less advantageous to the defendant;
- 27 6. Failure to extend time for indictment in this instance would thus operate to bar
28 defendant from reviewing the government's plea offer in a meaningful way prior
to indictment; and
7. The ends of justice served by this continuance outweigh the best interest of the
public and the defendant in a speedy indictment.

The Court therefore concludes that the ends of justice are best served by granting

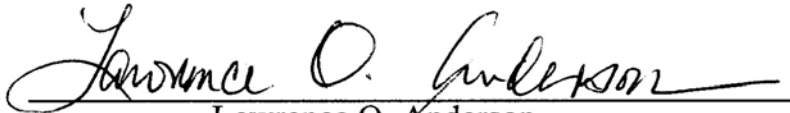
1 an extension of time to present the case to the grand jury and in excluding a period of thirty (30)
2 days under the Speedy Trial Act. In making this determination, the Court has particularly taken
3 into account that the failure to grant the Defendant's request "would deny counsel for the
4 defendant . . . the reasonable time necessary for effective preparation, taking into account the
5 exercise of due diligence." 18 U.S.C. § 3161(h)(8)(B)(iv).

6 **IT IS HEREBY ORDERED** that defendant's Motion to Extend Time for Indictment
7 requesting an extension of thirty (30) days within the government may seek to indict defendant,
8 is hereby granted.

9 **IT IS FURTHER ORDERED** that pursuant to the Speedy Trial Act, 18 U.S.C. § 3161,
10 the Government shall have an extension of thirty (30) days to file a timely Indictment.
11 Excludable time shall begin to run on the 31st day after arrest for a period of thirty (30) days in
12 which the Government may present the case to the grand jury.

13 **IT IS FURTHER ORDERED** that defense counsel shall use proper capitalization in all
14 future captions as mandated by LRCrim 12.1 and LRCiv 7.1(a)(3).

15 DATED this 29th day of July, 2008.

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18 Lawrence O. Anderson
19 United States Magistrate Judge
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